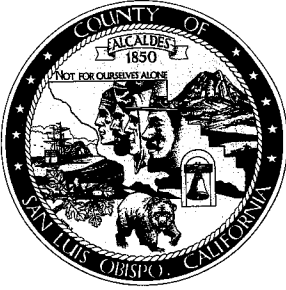


COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Planning and Building		(2) MEETING DATE June 6, 2006		(3) CONTACT/PHONE Josh LeBombard, Planning; (805) 781-1431	
(4) SUBJECT A continued hearing to consider an appeal by Raymond Cordoza of the Subdivision Review Board's denial of his request for a Vesting Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development. The proposed project is within the Residential Rural land use category and is located at 7655 Feenstra Road, approximately 3.4 miles north of the community of Creston. The site is in the El Pomar/ Estrella planning area. Supervisorial District No. 1.					
(5) SUMMARY OF REQUEST On December 5, 2005, this request for a Vesting Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development was denied by the Subdivision Review Board. On December 16, 2005, the Planning Department received an appeal of this decision by the applicant Raymond Cordoza. The appeal of this matter was heard at the March 14, 2006 San Luis Obispo County Board of Supervisors (BOS) hearing. At that hearing the BOS directed staff to come back with findings and conditions of approval for this project.					
(6) RECOMMENDED ACTION Adopt the resolution reversing the decision of the Subdivision Review Board and conditionally approving Vesting Tentative Parcel Map CO 04-352 (SUB2004-00256) based on the findings in Exhibit A and conditions in Exhibit B.					
(7) FUNDING SOURCE (S) Appeal Fee		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All		(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board	
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 60 min.) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A			
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A			
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____		(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date 3/14/2006	
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: center; margin-top: 20px;"> <i>OK Leslie Brown</i> </div> <div style="text-align: right; margin-top: 20px;"> <i>C5</i> <i>(6.6.06)</i> </div>					



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: JOSH LEBOMBARD, CURRENT PLANNING

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

DATE: JUNE 6, 2006

SUBJECT: A CONTINUED HEARING TO CONSIDER AN APPEAL BY RAYMOND CORDOZA OF THE SUBDIVISION REVIEW BOARD'S DENIAL OF HIS REQUEST FOR VESTING TENTATIVE PARCEL MAP CO 04-0352 USING THE TRANSFER OF DEVELOPMENT CREDITS PROGRAM TO SUBDIVIDE AN EXISTING 10 ACRE PARCEL INTO TWO PARCELS OF 5 ACRES EACH FOR THE PURPOSE OF SALE AND/OR DEVELOPMENT. THE PROPOSED PROJECT IS WITHIN THE RESIDENTIAL RURAL LAND USE CATEGORY AND IS LOCATED AT 7655 FEENSTRA ROAD, APPROXIMATELY 3.4 MILES NORTH OF THE COMMUNITY OF CRESTON. THE SITE IS IN THE EL POMAR/ ESTRELLA PLANNING AREA. SUPERVISORIAL DISTRICT NO. 1

RECOMMENDATION

Adopt the resolution reversing the decision of the Subdivision Review Board and conditionally approving Vesting Tentative Parcel Map CO 04-352 (SUB2004-00256) based on the findings in Exhibit A and conditions in Exhibit B.

DISCUSSION

Background

The appeal of this matter was heard at the March 14, 2006 San Luis Obispo County Board of Supervisors hearing. At that hearing, staff brought forth findings for denial of this appeal. The Board of Supervisors directed staff to come back with findings and conditions of approval for this project. In addition, the Board of Supervisors requested that a condition be added to this project to prohibit the development of a secondary residence on both of the proposed parcels resulting from this division.

REQUEST FOR REVIEW OF THE MITIGATED NEGATIVE DECLARATION

A request for review of the proposed mitigated declaration for this project was filed on May 17, 2006. The following are responses to the items raised in the request for review.

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Item 1

SLOAPCD stated their concerns in a March 7, 2005 memorandum which, although attached to the document, is not discussed in the Environmental Determination. The SLOAPCD has clearly stated that they "do not support this type of development".

In their March 7, 2005 memorandum, the District stated that they "are very concerned with the cumulative effects resulting from the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers". District staff further states that this project "is inconsistent with the land use planning strategies recommended in the Clean Air Plan (CAP), which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines".

Staff Response: Even though SLOAPCD stated that they do not support this type of development, their review of the original proposal to split this property into 2- five acre parcels determined "this project, like so many others, falls below our emissions significance thresholds and is, therefore, unlikely to trigger a finding of significant air quality impacts requiring mitigation (Cordoza Parcel Map, March 7, 2005; 1)."

Furthermore, since the time of the original proposal, the project description has been changed to limit residential development on both of the proposed parcels to 1 residence. This limitation will decrease the level of air quality impacts that will result from the subdivision of this property from what was originally reviewed by SLOAPCD.

Item 2

The Land Use section of the Environmental Determination for this project is wholly inadequate. In contrast, the staff report presented to the Board of Supervisors on March 14, 2006 and the staff report presented to the Subdivision Review Board on December 5, 2005 provided an appropriate analysis of the project's inconsistency with the County's environmental and land use policies and regulatory documents.

The December 5, 2005 staff report stated that "the proposed subdivision is inconsistent with the intent of the TDC ordinance and staff is unable to make the findings for approval for this project". Nothing has taken place in the meantime to change these facts.

Staff Response: At the December 5, 2005 BOS hearing, the project description was changed to limit development to 1 residence on each of the proposed parcels. Currently, the 1 ten-acre parcel is allowed to have 1 primary and 1 secondary residence. By limiting the 2 proposed parcels resulting from this subdivision to 1 primary residence on each, the density of the development will not increase beyond what currently is allowed.

Item 3

This project is not only inconsistent with the purpose of the TDC program, but it is directly contrary.

This project is also inconsistent with the El Pomar/Estrella Area Plan policy to "discourage new land divisions and rezoning that would intensify residential development at or adjacent to land in the Agriculture category". As stated in the March 14, 2006 staff report, "the property lies less than 600 feet west of an agricultural operation. Further subdivision of this property could lead to increased agricultural conflicts due to increased residential use."

Staff Response: As mentioned earlier, since the project description was changed to limit development to 1 residence on each of the proposed parcels the density/intensity of the development will not increase beyond what currently is allowed.

Item 4

The conclusion that the project is consistent with the County's land use policies is incorrect because:

1) the TDC program was made part of the County General Plan by amendment in 1996. (G950011N);

2) the environmental determination filed on October 8, 1996 for the TDC program states that "the TDC program will relocate development from environmentally sensitive land, land with agricultural capability, or antiquated subdivisions to more suitable areas". (ED96-001 page 1);

3) this project is located in an antiquated subdivision.

The intent of the TDC Program as described in the Negative Declaration dated May 3, 1996 is that "the TDC Program will relocate development from environmentally sensitive land, land with agricultural capability, or antiquated subdivisions to more suitable areas." Since this project is within an antiquated subdivision, it clearly does not meet the intent of the TDC program.

TDC Program is not being met. Therefore the 1996 Negative Declaration does not apply nor can a TDC be used to subdivide this property as stated in the project description of the 2006 Negative Declaration.

This project does not meet the intent of Title 22.24; is inconsistent with General Goal 8; is inconsistent with the pattern of development of the area and ignores cumulative impact.

We have an oversupply of small substandard lots in this area of the county - the very serious antiquated subdivision problem. The TDC program was created to solve that problem. Using TDC credits to create more small lots is growth inducing and does nothing to solve the problem of rural sprawl but clearly adds to it.

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Staff Response: This project is located in an antiquated subdivision, however, as mentioned earlier, the project description has been changed to limit development to 1 residence on each of the proposed parcels. Therefore, the proposed subdivision will not result in a more intense use of the Residential Rural land beyond what currently is allowed.

Furthermore, the use of the TDC program for this project will use 1 credit of development at a sending site. Use of the credit to subdivide this property will retire the potential to develop at the sending site. All of the sending sites that could potentially be used for this application are located more distant from Urban and Village Reserve lines than the Cordoza property.

Item 5

Citizens have the right to rely upon orderly application of land use policy and decisions in the public interest. Following the recommendations of the Planning Commission, citizen groups, and citizen advisory councils, the Board of Supervisors has directed the planning department to prepare an amendment to the TDC program prohibiting the use of credits to subdivide land within 5 miles of a Village Reserve Line. Until the amendment process is completed the consistent, orderly and reasonable action is to deny individual projects within 5 miles of a Village Reserve Line which use TDCs.

Staff Response: The Planning Department is currently preparing an ordinance amendment regarding Title 22, Chapter 22.24- TDC. The ordinance amendment has not been adopted by the BOS. Section 66473.5 of the Subdivision Map Act states "A proposed subdivision shall be consistent with a general plan or specific plan only if the local agency has officially adopted such a plan..." Projects that are currently in progress are being considered on a case-by-case basis.

Item 6

This project will have impacts that are individually limited, but cumulatively considerable. However, there is no identified mitigation for these cumulative impacts.

Use of TDCs will not mitigate the impacts of this project, because since 1996, according to planning department reports, the TDC program has multiplied 42 existing lots into 252 credits which have or will create new lots.

This is a precedent setting, growth inducing project and stands to serve as such for other parcels in the area to be divided to substandard size under the TDC program. This is cumulatively considerable in its impact to the surrounding area and probable future projects.

The Board of Supervisor's action to overturn the decision of the Subdivision Review Board allowed the creation of this after-the-fact ND proposal. We believe approval of this proposed ND would be an abuse of the CEQA process and inadequate environmental review.

Staff Response: As mentioned earlier, since the project description was changed to limit development to 1 residence on each of the proposed parcels the density of the development will not increase beyond what currently is allowed. Furthermore, the use of a TDC credit will retire development on a parcel that is located further from an urban or village reserve line than the subject property. Therefore, no cumulative impacts are anticipated.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel reviewed and approved the Resolution as to form and content.

FINANCIAL CONSIDERATIONS

The applicant paid the applicable appeals fees

RESULTS

Approval of this appeal and the reversing of Subdivision Review Board's denial of the project would allow subdivision of the site into 2- five acre parcels with only one residence allowed on each parcel.

ATTACHMENTS

1. Resolution Reversing the Decision of the Subdivision Review Board and Conditionally Approving the Application...
 - Findings - Exhibit A CO 04-352 (SUB2004-00256)
 - Conditions- Exhibit B CO 04-352 (SUB2004-00256)
2. Mitigated Negative Declaration & Notice of Determination
3. Request for Review of a Proposed Negative Declaration
4. Staff Report for Subdivision Review Board Meeting of March 14, 2006

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION REVERSING THE DECISION OF THE
SUBDIVISION REVIEW BOARD AND CONDITIONALLY APPROVING
THE APPLICATION OF RAYMOND CORDOZA
FOR A VESTING TENTATIVE PARCEL MAP FOR PARCEL MAP CO 04-0352

The following resolution is now offered and read:

WHEREAS, on December 5, 2005, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the "Subdivision Review Board ") duly considered and disapproved the application of Raymond Cordoza for a vesting tentative parcel map for Parcel Map CO 04-0352; and

WHEREAS, Raymond Cordoza has appealed the Subdivision Review Board's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on March 14, 2005, and the matter was continued to and determination and decision was made on June 6, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be upheld and the decision of the Subdivision Review Board should be reversed and that the application should be approved based upon the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

A large, stylized handwritten signature or set of initials, possibly reading 'CS' or 'CS7', is written in the bottom right corner of the page.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Raymond Cordoza is hereby upheld and the decision of the Subdivision Review Board is reversed and that the application of Raymond Cordoza for a vesting tentative parcel map for Parcel Map CO 04-0352 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

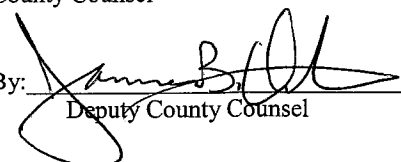
ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: May 3, 2006



STATE OF CALIFORNIA,)
)
County of San Luis Obispo) ss

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2006.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

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FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 5, 2006 for this project. Mitigation measures are proposed to address biological resources, geological/soils, public services, and recreation and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans; because the project will be conditioned to prohibit development of a secondary residence on both of the proposed parcels, the proposed division would not increase the intensity of residential use beyond the average use that currently exists and would comply with General Goal 8 of Framework for Planning.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because with the use of a Transfer of Development Credit, the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of this proposed subdivision is consistent with the applicable county general and specific plans because improvements are required as conditions of approval and the design of these parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of two single-family residences (one primary residence on each lot).
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support two primary dwellings.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is not critical habitat fish or wildlife and the vicinity is already developed with single family residences.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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- J. Even though the proposed parcels are smaller than the majority of surrounding parcels in the vicinity, this proposed map will not create additional density in the vicinity, because a condition has been added to the project prohibiting secondary dwellings on both of the proposed parcels. Since the current parcel is allowed to have a secondary dwelling, the addition of one primary dwelling on the proposed parcel will not increase the density and the future development would be consistent with the pattern of development of the area
- K. The site qualifies as a TDC Receiver Site as follows: (1) the project is recommended for a mitigated negative declaration; (2) the site is not within agricultural preserve; (3) the site is within 5 miles of an urban or village reserve line; (4) the applicant has designated building sites and access drives where footprint of development is located on less than 30 percent slopes; (5) the footprint of development is outside of SRA, FH, GSA, Earthquake Fault Zone and the Very High Fire Hazard Area, because none of the site is located within these areas; (6) the footprint of development is outside of a Significant Biological, Geographical or Riparian Habitat as defined by the Natural Areas Plan (appendix B of the Ag and Open Space Element of the general plan) because none of the site is located within these areas and (7) the development complies with all development standards, water, sewage disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

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EXHIBIT B

CONDITIONS OF APPROVAL FOR VESTING TENTATIVE PARCEL MAP CO 04-0352

Approved Project


1. A Vesting Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Feenstra Road constructed to a 2/3 A-7 (c) section within a 40-foot minimum dedicated right-of-way.
 - b. Feenstra Road constructed to a 2/3 A-7 (c) section from the property to Cripple Creek Road (minimum paved width to be 18 feet).
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. A private easement be reserved on the map for access to lot 2.

Improvement Plans

4. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Grading and erosion control plan for subdivision related improvement locations.
 - d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
6. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

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Utilities

7. Electric and telephone lines shall be installed underground or overhead.
8. Gas lines shall be installed.

Design

9. The lot area of each lot shall contain a minimum area of 5 acres and a minimum of 4.5 acres exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22.22.030/23.04.021).

Parks and Recreation (Quimby) Fees

10. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total of 1 parcel.

Affordable Housing Fee

11. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

TDC Program

12. **Prior to recordation of the final map**, the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department of Planning and Building. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.24.090 of Title 22. The Director shall notify the TDC Administrator of the release and specify the registration numbers of the credits that were used. After release, the credits are no longer valid and available for use.

Additional Map Sheet

13. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. That secondary dwellings shall not be allowed on all lots within the land division.
 - b. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.

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- c. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated March 17, 2005 from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- d. That approval of the subdivision included the use of Transfer Development Credits, the number of credits used, their registration numbers, and the location and assessor's parcel numbers of the sending site.

Covenants, Conditions and Restrictions

- 14. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Maintenance of all local streets within and serving the subdivision until acceptance by a public agency.
 - b. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

- 15. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.
2. Operable water facilities shall exist prior to the filing of the final parcel map. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
 - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
 - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
 - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to the filing of the final map. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to the filing of the final map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.
6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

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Standard Conditions
Individual Wells and Septic Tanks
Page 2

7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
17. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
19. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (JL)

ENVIRONMENTAL DETERMINATION NO. ED04-514

DATE: May 4, 2006

PROJECT/ENTITLEMENT: Cordoza Parcel Map SUB2004-00256

APPLICANT NAME: Raymond Cordoza

ADDRESS: PO Box 127, Paso Robles, CA 93447

CONTACT PERSON: Vaughan SURveys Inc.

Telephone: 805-238-5725

PROPOSED USES/INTENT: Request by Raymond Cordoza for a Versting Tentative Parcel Map using the County's Transfer of Development Credits program, to subdivide an approximate 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development

LOCATION: The proposed project is within the Residential Rural land use category, and is located at 7655 Feebstra /Road (south side), approximately 500 feet east of Cripple Creek Road, approximately 33.4 miles north of the community of Creston, in the El Pomar/Estrella planning area

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on May 18, 2006

20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No.

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature	Project Manager Name	Date	Public Agency
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California Department of Fish and Game
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding

PROJECT TITLE & NUMBER: Cordoza Parcel Map/SUB2004-00256

Project Applicant

Name: Raymond Cordoza
Address: PO Box 127
City, State, Zip Code: Paso Robles CA 93447
Telephone #: 805.238.5725

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

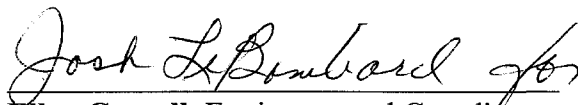
FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- ☐ () The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- ☐ () The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- ☒ (X) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- ☐ () The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____ .
- ☐ () Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.


Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: April 27, 2006

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Cordoza Parcel Map; SUB2004-00256; ED04-514

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:


- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Josh LeBombard
Prepared by (Print)


Signature

4/26/06
Date

Jeff Oliveira
Reviewed by (Print)


Signature

Ellen Carroll,
Environmental Coordinator
(for)

4/26/06
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Raymond Cordoza for a Vesting Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development. Secondary residences will be prohibited on each of the proposed parcels. The proposed project is within the Residential Rural land use category and is located on the south side of Feenstra Road (at 7655 Feenstra Road), approximately 500 east of Cripple Creek Road, approximately 3.4 miles north of the community of Creston. The site is in the El Pomar/ Estrella planning area.

ASSESSOR PARCEL NUMBER(S): 035-241-013

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: El Pomar/Estrella, Rural

LAND USE CATEGORY: Residential Rural

COMBINING DESIGNATION(S): None

EXISTING USES: Residence

TOPOGRAPHY: Nearly level

VEGETATION: Grasses

PARCEL SIZE: 10 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Rural; residential	<i>East:</i> Residential Rural; residential
<i>South:</i> Residential Rural and Agriculture; residential and agricultural uses	<i>West:</i> Residential Rural and Agriculture; residential and agricultural uses

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST


1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposal by Raymond Cordoza is for a Vesting Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development. The proposed subdivision will result in the potential for building a primary home on the newly created parcel. This home will be visible from Cripple Creek Road. Because the property is currently within the Residential Rural land use category and is bordered by residences on all sides, this proposal is considered compatible with the surrounding uses.

Impact. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2.	AGRICULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



2. AGRICULTURAL RESOURCES

- Will the project:

d) Other: _____

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

☐
☐
☐
☐

Setting. The soil types include: (inland) Arbuckle-San Ysidro complex (2-9%)

As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "IV", and the "irrigated soil class is "II". The project is located in an area that is mixed with agricultural production as well as residential rural and residential suburban development. This property is currently within the Residential Rural land use category and is bordered by residences on all sides. The immediate surrounding uses are predominantly non-agricultural with the exception of vineyards located to the west and northwest of the property, across Cripple Creek Road.

Impact. No significant impacts to the neighboring agricultural resources are anticipated since Cripple Creek provides a natural buffer between the existing agricultural use and the existing and proposed residential use of this property. Furthermore, since the project will be conditioned to not allow secondary residences on either of the proposed parcels, the residential density will not be increased from what is currently allowed.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?

☐
☐
☒
☐

b) Expose any sensitive receptor to substantial air pollutant concentrations?

☐
☐
☒
☐

c) Create or subject individuals to objectionable odors?

☐
☐
☒
☐

d) Be inconsistent with the District's Clean Air Plan?

☐
☐
☒
☐

e) Other: _____

☐
☐
☐
☐

Setting. The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and to help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in an undetermined future amount of disturbance. This

future disturbance will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The Clean Air Plan includes land use management strategies to guide decision makers on land use approaches that result in improved air quality. (As identified by APCD) This development is somewhat inconsistent with the "Planning Compact Communities" strategy, where increasing development densities within urban areas is preferable over increasing densities in rural areas. Increasing densities in rural areas results in longer single-occupant vehicle trips and increases emissions. In this instance, this partial inconsistency is not considered significant for the following reasons: 1) the proposed density of this subdivision is still consistent with what was assumed in the last update of the Clean Air Plan, which, based in part on this density, approved the necessary control measures to achieve acceptable air quality attainment in the future; and 2) standard forecast modeling (e.g., ARB URBEMIS2001) identifies that vehicles in the near future will produce substantially lower emissions (e.g., use of electric, hybrid and advanced technology vehicles). Based on the above discussion, given the smaller number of potential new residences, both individual and cumulative impacts are expected to be less than significant as it relates to the Clean Air Plan land use strategies.

Mitigation/Conclusion. No mitigation measures are necessary.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: None

Wildlife: Potential Western Speadefoot Toad (*Scaphiosus hammondi*) and Southwestern Pond Turtle (*Clemmys marmorata pallida*) app. 1 mile west, potential Coast Horned Lizard (*Phrynosoma coronatum frontale*) app. 0.5 mile east, potential Kit Fox (*Vulpes macrotis mutica*) app. 0.25 mile east.

Habitats: Coastal Oak Woodland app. 0.5 mile south, Blue Oak Woodland app. 0.9 mile north, Carrizo Vernal Pool Region app. 0.25 mile east.

The project site consists mostly of grasses and ruderal vegetation. A pond exists on the southwest portion of the site. This pond could potentially provide habitat for sensitive biological species.

Impact. Future development on the site could affect the aquatic habitat associated with the pond on the property.

Mitigation/Conclusion. In order to avoid potentially impacting the biological habitat, the applicant has agreed to restricting development on proposed parcel 2 to a building envelope in the southeast portion of the site. Avoidance of the portion of the site with the pond will reduce the potential for significant impacts to a level of insignificance.

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered moderate. The liquefaction potential during a ground-shaking event is considered moderate. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (a tributary of the Huerhuero Creek) from the proposed development is approximately 0.3 mile to the east. As described in the Natural Resource Conservation Service Soil Survey, the soil drainage is unknown. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

The site currently drains to a pond that is located in the southwest portion of the site.

SEDIMENTATION AND EROSION - The soil types include: (inland) Arbuckle-San Ysidro complex (2-9%)

As described in the NRCS Soil Survey, the soil surface is considered to have unknown erodibility, and unknown shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension that monitors this program.

Impact. Future development in the area of the pond has the potential to affect drainage patterns on the site resulting in potential drainage issues on surrounding properties. In addition, the project will result in the disturbance of an undetermined future amount of area.

Mitigation/Conclusion. The applicant has agreed to prohibit development on the southwest portion of the site by creating a building envelope on the southeast portion of the property. Since, development will be restricted to the building envelope, drainage issues are not anticipated as a result of this proposal. There is no evidence that measures above what will already be required by ordinance or codes are needed.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are

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anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences).

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the

county.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

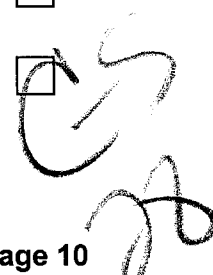
10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Creston) is approximately 5 miles to the south. The closest Sheriff substation is in Templeton, which is approximately 10 miles from the proposed project. The project is located in the Paso Robles Joint Unified School District.

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



11. RECREATION - Will the project:Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicablec) *Other* _____☐☐☐☐

Setting. The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource. Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. The proposed project will not create a project specific significant need for additional park or recreational resources. However, this project, along with others in the area, will have a cumulative demand on parks and recreation resources.

Mitigation/Conclusion. The "Quimby" fee will adequately mitigate the project's impact on recreational facilities. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicablea) *Increase vehicle trips to local or areawide circulation system?*☐☐☒☐b) *Reduce existing "Levels of Service" on public roadway(s)?*☐☐☒☐c) *Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?*☐☐☒☐d) *Provide for adequate emergency access?*☐☐☒☐e) *Result in inadequate parking capacity?*☐☐☒☐f) *Result in inadequate internal traffic circulation?*☐☐☒☐g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?*☐☐☒☐h) *Result in a change in air traffic patterns that may result in substantial safety risks?*☐☐☒☐i) *Other:* _____☐☐☐☐CS
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Setting. Future development will access onto the following public road(s): Cripple Creek Road. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works. No significant traffic-related concerns were identified.

Impact. The proposed project is estimated to generate about 10 trips per day, based on the Institute of Traffic Engineer's manual of 10/unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary.

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to:

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

Impact. The project proposes to use an on-site system as its means to dispose wastewater. Based on the proposed plans, adequate area appears available for an on-site system.

Mitigation/Conclusion. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use an on-site well as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level. The closest creek (a tributary of the Huerhuero Creek) from the proposed development is approximately 0.3 miles away. As described in the NRCS Soil Survey, the soil surface has unknown erodibility.

Impact. As proposed, the project will result in an unknown area of disturbance due to future development on the proposed 5 acre parcel. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 0.85 acre feet/year (AFY)

1 residential lots w/primary (0.85 afy) = 0.85 afy

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - Will the project:

Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
--------------	--------------------------	------------	----------------

CS
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15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. This project is a parcel map and request to be a TDC receiving site. This would allow the subdivision of a 10-acre parcel into two parcels of 5 acres each. The Board of Supervisors, at the December 5, 2005 hearing for this item determined that this project meets the criteria for a TDC receiving site.

This project is located in the Residential Rural Land Use Category where the average parcel size is approximately 8.5 acres. The proposal to divide this 10 acre property into two 5 acre parcels could result in development at a more intense rate than currently exists.

Currently the applicant is allowed to have a secondary residence on the property. The applicant has agreed that a condition be added to the proposal to subdivide this property that prohibits secondary residences on both proposed properties. This condition will ensure that the residential density resulting from the subdivision is not increased from what currently is allowed. Therefore, it is consistent with the County's land use policies and no additional measures are required.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

Potentially Significant

Impact can & will be mitigated

Insignificant Impact

Not Applicable

a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

☐
☒
☐
☐

b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

☐
☒
☐
☐

c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

☐
☐
☒
☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

*CS
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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
X	County Public Works Department	Attached
X	County Environmental Health Division	Attached
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
X	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
X	CA Department of Forestry	Attached
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

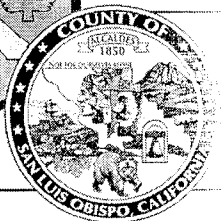
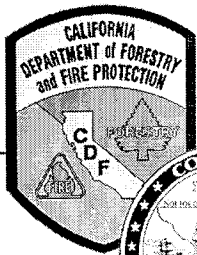
- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☐ Building and Construction Ordinance
- ☐ Coastal Policies
- ☒ Framework for Planning (Coastal & Inland)
- ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
 - ☒ Agriculture & Open Space Element
 - ☒ Energy Element
 - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
 - ☒ Housing Element
 - ☒ Noise Element
 - ☐ Parks & Recreation Element
 - ☒ Safety Element
- ☒ Land Use Ordinance
- ☐ Real Property Division Ordinance
- ☐ Trails Plan
- ☐ Solid Waste Management Plan

CS
3A

- ☒ El Pomar/Estrella Area Plan and Update EIR
- ☐ Circulation Study
- Other documents
- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other _____



JX -



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

March 17, 2005

North County Team
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

RECEIVED

MAR 19 2005

810 CC PLUMBING & HEATING

Subject: Parcel Map Project # SUB2004-00256 (Cordoza)

Dear North County Team,

I have reviewed the referral for the parcel map plans for the proposed two parcel subdivision project located at 7655 Feenstra Road, Creston, CA. This project is located approximately ten minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
 - Parcels less than 1 acres 800 feet
 - Parcels 1 acre to 4.99 acres 1320 feet
 - Parcels 5 acres to 19.99 acres 2640 feet
 - Parcels 20 acres or larger 5280 feet
- The road must be 16 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.

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- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

- ☐ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.
- ☒ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,

Chad T. Zrelak
Fire Captain Inspector

cc: Cordoza
Vaughan Surveys



JXL



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

APCD
March 7, 2005

DATE: March 7, 2005

TO: North County Team
San Luis Obispo County Department of Planning and Building

FROM: Jan Downs Vidalin, Air Quality Specialist *JDV*
San Luis Obispo County Air Pollution Control District

SUBJECT: Cordoza Parcel Map, Hwy 229 and Feenstra Rd., Paso Robles (SUB2004-00256)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at Highway 229 and Feenstra Road outside of Paso Robles. The project involves a Parcel Map for the subdivision of 10 acres into two parcels of five acres each. Existing structures on the property include a residence and horse corrals. The property lies outside of the urban reserve line (URL) and is zoned residential rural (RR). The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS:

This project, like so many others, falls below our emissions significance thresholds and is, therefore, unlikely to trigger a finding of significant air quality impacts requiring mitigation. However, we are very concerned with the cumulative effects resulting from the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers. Such development fosters continued dependency on private auto use as the only viable means of access to essential services and other destinations. This is inconsistent with the land use planning strategies recommended in the Clean Air Plan (CAP), which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines. The CAP recommends that areas outside the urban/village reserve lines be retained as open space, agriculture and very low-density residential development.

The District understands that under the County's Land Use Ordinance, parcels within the Residential Rural category, can be subdivided to a minimum lot size of five acres unless there is a Planning Area Standard restriction as is the case for this project. We also recognize that there are significant human-interest issues that are difficult to overcome, such as the desire of some applicants to settle estate matters through property splits. However, we believe it is important to emphasize to decision makers that subdivision and future development on these, and similar rural parcels throughout the county allows a pattern of development to continue that is ultimately unsustainable. Such development cumulatively contributes to existing stresses on air quality, circulation and other natural and physical resources and infrastructure that cannot be easily mitigated. We do not support this type of development.

*CS
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Should this project continue to move forward against our recommendation, we would like to be included in the review of future development proposals for the property. As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE EMISSIONS:


Dust Control Measures

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Demolition Activities

The project referral did not indicate whether the existing structures on the proposed site will be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.



Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AAG /JDV/sll

cc: Karen Brooks, APCD Enforcement Division
Tim Fuhs, APCD Enforcement Division
Applicant, Raymond Cordoza

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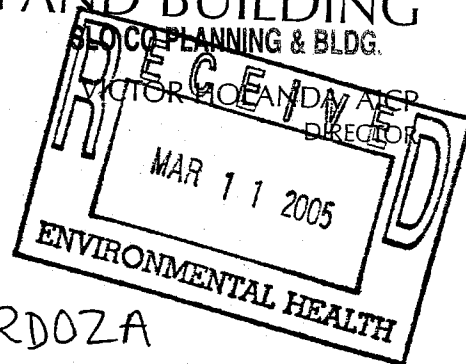


JXL

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

MAY 8 2005



THIS IS A NEW PROJECT REFERRAL

DATE: 2/23/05
TO: Env. Health
FROM: North Co. Team
(Please direct response to the above)

CORDOZA
SUB 2004-00256
Project Name and Number

Development Review Section (Phone: 781- 788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNER

PROJECT DESCRIPTION: Parcel Map -> Split 10 acre parcel into (2) 5 acre parcels. CO 04-0352, APN -> 035-241-013. Located on Fenster Ave., near the Geneseo intersection.

Return this letter with your comments attached no later than: 3/10/05, thank you.

- PART I** IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
- ☐ YES (Please go on to Part II)
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)
- PART II** ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
- ☐ NO (Please go on to Part III)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Please provide stock conditions for individual wells and septic systems. Applicant will need to develop water for both parcels and test production & Quality prior to recordation of this map.

3/29/05
Date

Darius Salas
Name

781-555
Phone



XL
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR
MAIL - 7 2005

THIS IS A NEW PROJECT REFERRAL

DATE:

2/23/05

FROM

PW

CORDOZA

FROM
10

North Co. Team

(Please direct response to the above)

SUB 2004-00256

Project Name and Number

Development Review Section (Phone: 781-788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNERS

PROJECT DESCRIPTION: Parcel Map -> Split 10 acre parcel into
(2) 5 acre parcels. CO 04-0352, APN -> 035-241-013.
Located on Fenster Ave., near the Genesee intersect-
ion.

Return this letter with your comments attached no later than:

3/10/05, thank you.

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - STOPS ATTACHED

09 MARCH 2005
Date

GOODWIN
Name

5252
Phone

DRC200

GENERAL APPLICATION FORM SUB2004-

San Luis Obispo County Department of Planning and Building

File No _____

00256

APPLICATION TYPE CHECK ALL THAT APPLY

- ☐ Public Lot ☐ Voluntary Merger ☐ Certificate of Compliance ☐ Lot Line Adjustment
☒ Parcel Map ☐ Tract Map ☐ Receiving Site ☐ Condominium (new or conversion)
☐ Road Abandonment ☐ Road Name ☐ Reversion to Acreage ☐ Sending Site

APPLICANT INFORMATION Check box for contact person assigned to this project

☐ Landowner Name Raymond M. Cordoza Daytime Phone 805-238-5725
Mailing Address PO Box 127 Paso Robles, CA Zip 93447
Email Address: _____

☐ Applicant Name Raymond M. Cordoza Daytime Phone 805-238-5725
Mailing Address PO Box 127, Paso Robles, CA Zip 93447
Email Address: _____

☒ Agent Name Vaughan Surveys Inc. Daytime Phone 805-238-5725
Mailing Address 1101 Riverside Avenue, Paso Robles Zip 93446
Email Address: sarah@vaughansurveys.com

PROPERTY INFORMATION

Total Size of Site: 10 ac ± Assessor Parcel Number(s): 035-241-013
Legal Description: Lot 5 of Tract 10c per 2/MB.62
Address of the project (if known): _____
Directions to the site - describe first with name of road providing primary access to the site, then nearest roads, landmarks, etc.: Hwy 229 left on Fenstra Ave

Describe current uses, existing structures, and other improvements and vegetation on the property:
Residential Rural, Existing house, horse corrals, native grasses and pond

PROPOSED PROJECT

Describe the proposed project (inc. size of all proposed parcels): To split 10 ac± parcel in to two 5 ac± parcels.

LEGAL DECLARATION

I, the owner of record of this property have completed this form accurately and declare that all statement here are true. I do hereby grant official representatives of the county authorization to inspect the subject property.

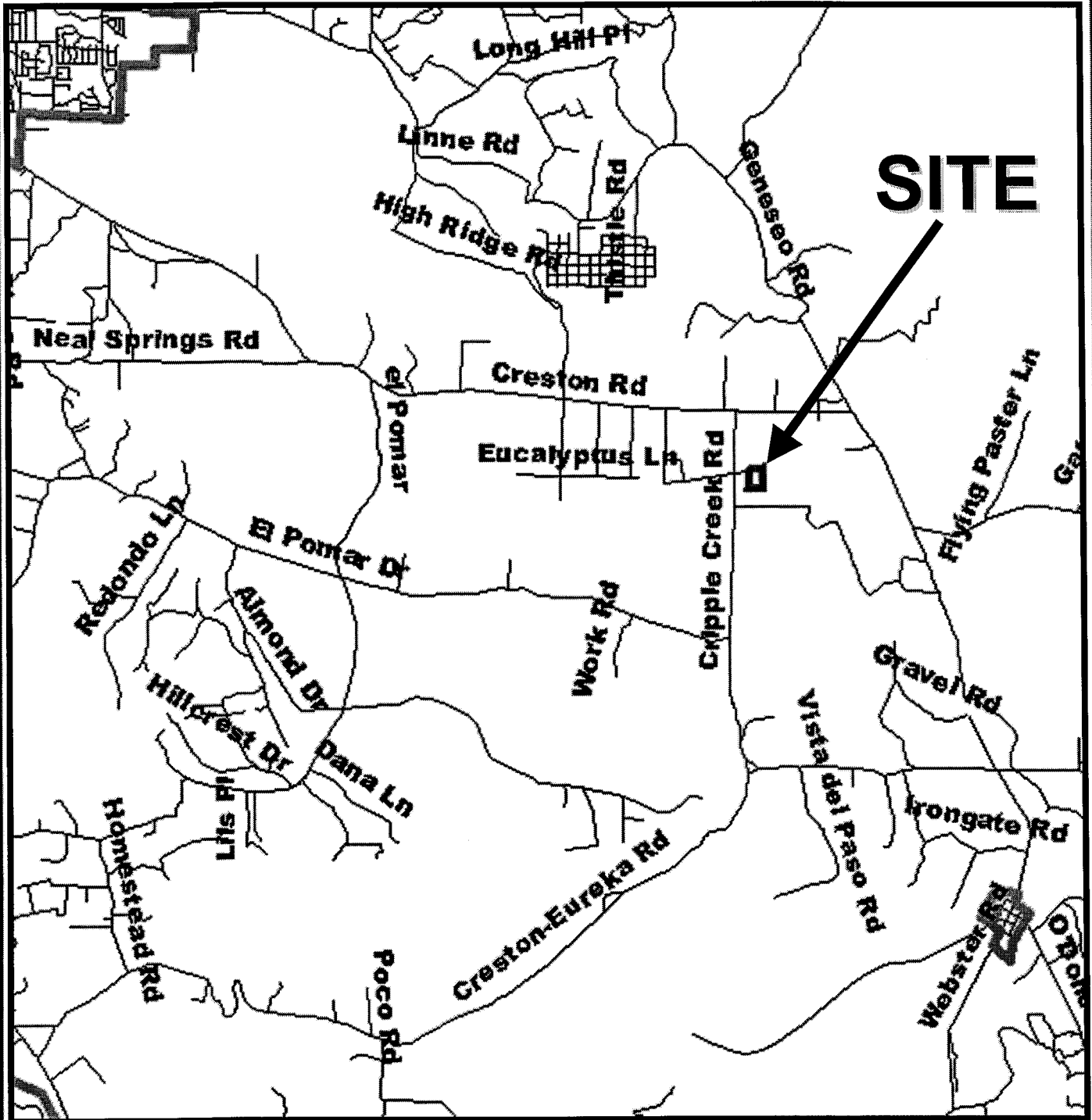
Property owner signature [Signature] Date 2/23/05

FOR STAFF USE ONLY

Minimum Parcel Size: _____ ☐ sq. feet ☐ acres ☐ by PAS? ☐ by Ordinance?

PR

CS
UP



PROJECT

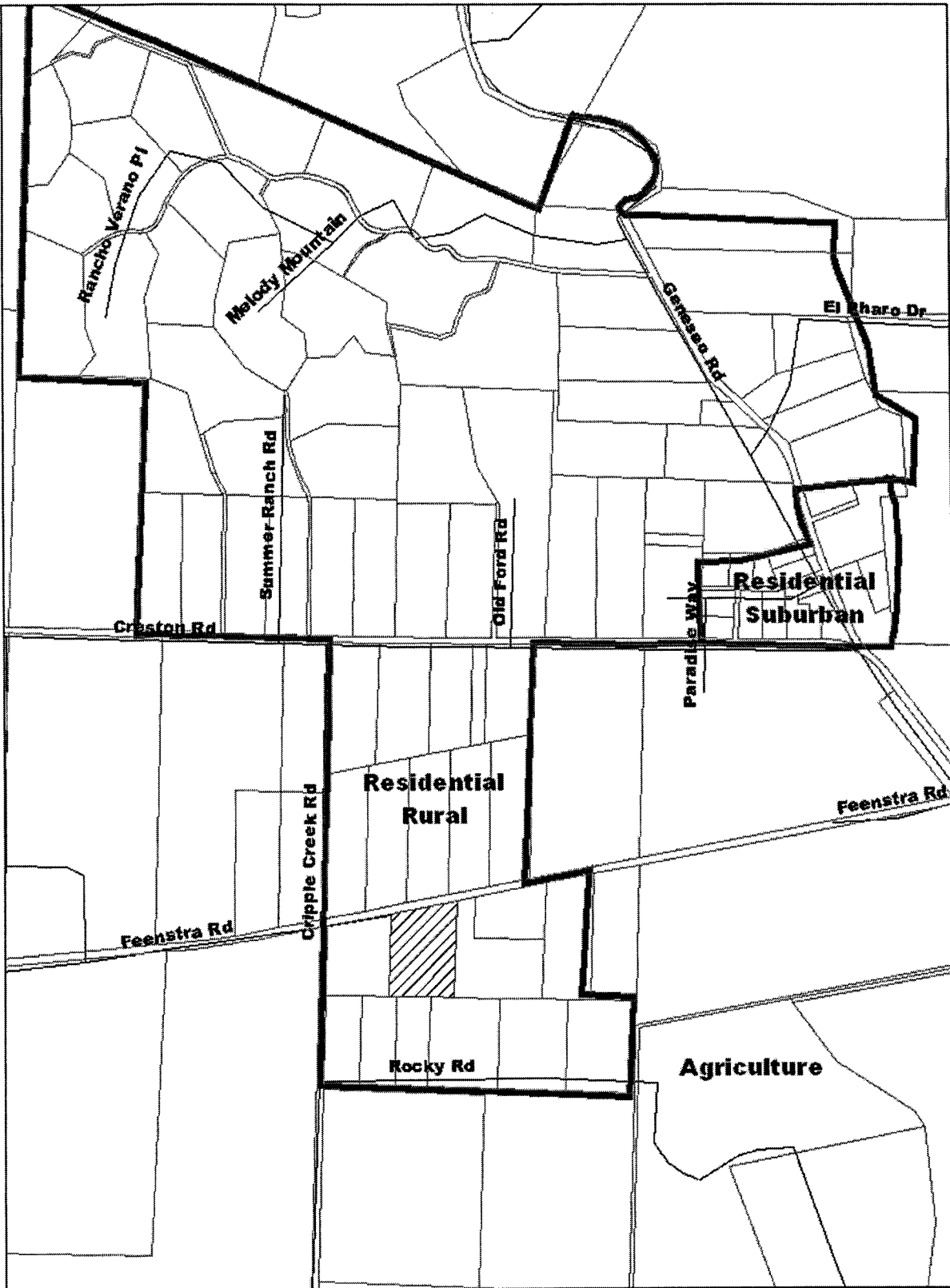
SUB2004-00256
Cordoza



EXHIBIT

Vicinity Map

Handwritten signature and initials.



PROJECT

SUB2004-00256
Cordoza

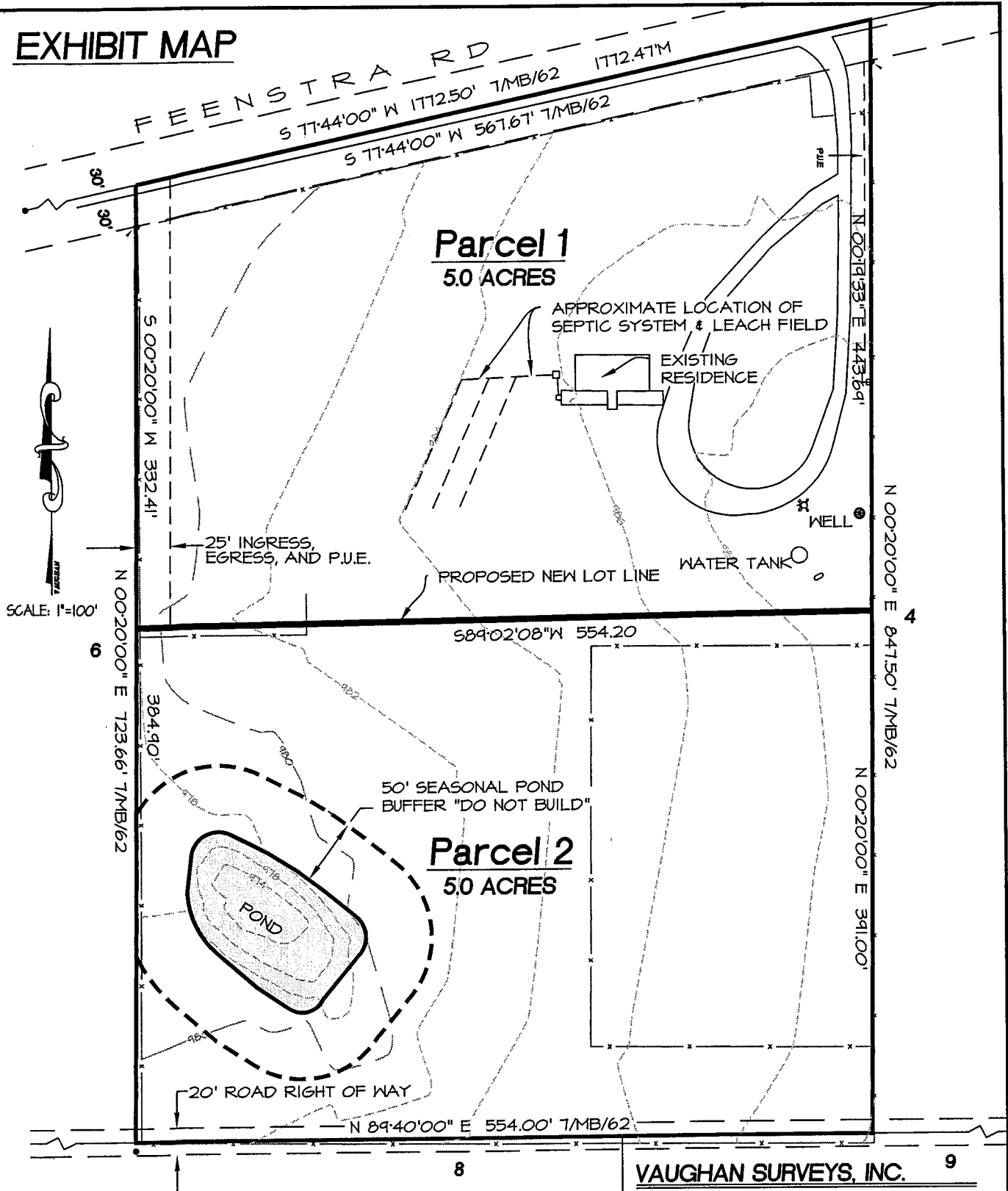


EXHIBIT

Land Use Category Map

Handwritten signature and initials.

EXHIBIT MAP



VAUGHAN SURVEYS, INC.

1101 Riverside Avenue
Paso Robles, California 93446
(805) 238-5725

Job #: 04-085 4-25-06
File: 04085pondEX.dwg
Revised: 4/26/06 DK

Sheet 1 of 1

Notes:

1. The boundary information shown hereon was calculated from record data only. A field survey may indicate differences in actual locations.

Handwritten signature/initials

ONLINE

County Home | Services | Departments | Contacts | Feedback | County Related Links

Home

REQUEST FOR REVIEW OF A PROPOSED NEGATIVE DECLARATION**Division
Listing**Gen.
Information
Long Range
Environmental
Building
Coastal Zone
Code
EnforcementLinks
Contact Us
DisclaimerOnline Privacy, Security,
and Acceptable Use
Policy**1. PERSON FILING THE REQUEST:**Name Paseo Watch, CCTF, CCAAP, AAAAddress P.O. Box 447 Templeton, CA 93465Phone # 805-227-4785 (daytime)**2. NAME OF PROJECT:**Cordoba Parcel Map ED04-514 (SUB 2004-00256)**3. REASONS FOR REQUEST FOR REVIEW:**

A letter stating your reasons for filing a Request for Review of the proposed Negative Declaration must be attached. Issues must be related to the environmental effects of the project.

4. FILE REVIEW

The person(s) filing the request has reviewed the project files and environmental information and has met with Environmental Division staff to discuss the Request for Review:

Yes ☒ No**5. SIGNATURES**

I/we hereby request a review of the proposed Negative Declaration.

Signed: P. Am Yapp (name) Sue Luft (date) 5/17/06

Signed: _____ (name) _____ (date)

Signed: _____ (name) _____ (date)

5. SIGNATURES

I/we hereby request a review of the proposed Negative Declaration.

Signed: _____ (name) _____ (date)

Signed: _____ (name) _____ (date)

Signed: _____ (name) _____ (date)

6. FEES

Your Request for Review must be accompanied by the appropriate fee. This fee is currently \$55. Please include a check, made out to "The County of San Luis Obispo" for this amount.

7. WHERE TO SUBMIT THIS FORM

Submit this completed form and your letter describing the reasons for the request for review to:

Environmental Division of the Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408
(805) 781-5600

Last Updated: Monday, August 30, 2004

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May 17, 2006

To: San Luis Obispo Department of Planning and Building
Environmental Division

From: PasoWatch
Creston Citizens for Ag Land Preservation
Citizens Concerned for Templeton's Future
Adelaida Area Association

Re: Request for Review of Proposed Negative Declaration
Cordoza Parcel Map ED04-514 (SUB2004-00256)
Use of Transfer of Development Credit (TDC) to
Subdivide 10 acre parcel into 2 parcels of 5 acres each for purposes
of sale and/or development

This project will have cumulative environmental impacts to air quality and other natural and physical resources and infrastructure which are not identified by the proposed Negative Declaration (ND) dated May 4, 2006. In addition, the project is inconsistent with the County's Land Use Ordinance.

Planning staff was compelled to prepare the proposed ND for this project so that it would be consistent with a 3-2 vote of the San Luis Obispo County Board of Supervisors. This vote reversed the decision of the Subdivision Review Board which denied the application to split this parcel using a TDC credit.

By overruling the Subdivision Review Board, this makes real the planning staff position that by approval of the use of TDCs in this area, supervisors are "opening up the door to the potential development of the entire" area.

The environmental determination for the entire TDC Program states that the ordinance itself "...does not pose potentially significant impacts...". (Page 12 (G950011N) dated May 3, 1996 ED 96-001).

Since 1996 however, according to planning department reports, the program has multiplied 42 existing lots into 252 credits which have or will create new lots. The 1996 ND therefore failed to identify the cumulative impacts of the ordinance.

An informed decision which protects community interest in the environment can not follow from the error of the speculative conclusions in the original 1996 ND or the inadequate and flawed analysis in the current project-specific ND or from the Board of Supervisors decision to approve this project regardless of the Air Pollution Control District's statement that they do not support this type of development, the planning staff recommendation for denial, and the Subdivision Review Board findings for denial.

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Air Quality

SLOAPCD stated their concerns in a March 7, 2005 memorandum which, although attached to the document, is not discussed in the Environmental Determination. The SLOAPCD has clearly stated that they "do not support this type of development".

In their March 7, 2005 memorandum, the District stated that they "are very concerned with the cumulative effects resulting from the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers". District staff further states that this project "is inconsistent with the land use planning strategies recommended in the Clean Air Plan (CAP), which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines".

Quoting from the District's memo, "we believe that it is important to emphasize to decision makers that subdivision and future development on these, and similar rural parcels throughout the county allows a pattern of development to continue that is ultimately unsustainable. Such development cumulatively contributes to existing stresses on air quality, circulation and other natural and physical resources and infrastructure that cannot be easily mitigated."

This project will have cumulative effects on air quality, transportation/circulation, public services, and other natural and physical resources.

Land Use

The Land Use section of the Environmental Determination for this project is wholly inadequate. In contrast, the staff report presented to the Board of Supervisors on March 14, 2006 and the staff report presented to the Subdivision Review Board on December 5, 2005 provided an appropriate analysis of the project's inconsistency with the County's environmental and land use policies and regulatory documents.

The December 5, 2005 staff report stated that "the proposed subdivision is inconsistent with the intent of the TDC ordinance and staff is unable to make the findings for approval for this project". Nothing has taken place in the meantime to change these facts.

This project is not only inconsistent with the purpose of the TDC program, but it is directly contrary.

This project is also inconsistent with the land use planning strategies recommended in the Clean Air Plan, as stated by the SLOAPCD.



This project is also inconsistent with the El Pomar/Estrella Area Plan policy to "discourage new land divisions and rezoning that would intensify residential development at or adjacent to land in the Agriculture category". As stated in the March 14, 2006 staff report, "the property lies less than 600 feet west of an agricultural operation. Further subdivision of this property could lead to increased agricultural conflicts due to increased residential use."

The Findings that were presented to the Subdivision Review Board explain the facts very clearly, as follows.

"The proposed map is inconsistent with applicable county general and specific plans; it does not comply with General Goal 8 of Framework for Planning because the proposed division would increase the intensity of residential use beyond the average use that currently exists."

"The proposed parcels are smaller than the majority of surrounding agricultural parcels in the vicinity, making the proposed parcels inconsistent with the pattern of development of the area."

"The proposed map is not consistent with the county zoning and subdivision ordinances because although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the 'intent' of Chapter 22.24 (TDC Ordinance) as the intent is to locate development within close proximity of communities that have available infrastructure to support development. The community of Creston does not have ample services to accommodate densities beyond what is allowed through standard subdivision at this time."

The conclusion that the project is consistent with the County's land use policies is incorrect because:

- 1) the TDC program was made part of the County General Plan by amendment in 1996. (G950011N);
- 2) the environmental determination filed on October 8, 1996 for the TDC program states that "the TDC program will relocate development from environmentally sensitive land, land with agricultural capability, or antiquated subdivisions to more suitable areas". (ED96-001 page 1);
- 3) this project is located in an antiquated subdivision.

The intent of the TDC Program as described in the Negative Declaration dated May 3, 1996 is that "the TDC Program will relocate development from environmentally sensitive land, land with agricultural capability, or antiquated subdivisions to more suitable areas." Since this project is within an antiquated subdivision, it clearly does not meet the intent of the TDC program.

TDC Program is not being met. Therefore the 1996 Negative Declaration does not apply nor can a TDC be used to subdivide this property as stated in the project description of the 2006 Negative Declaration.

This project does not meet the intent of Title 22.24; is inconsistent with General Goal 8; is inconsistent with the pattern of development of the area and ignores cumulative impact.

We have an oversupply of small substandard lots in this area of the county - the very serious antiquated subdivision problem. The TDC program was created to solve that problem. Using TDC credits to create more small lots is growth inducing and does nothing to solve the problem of rural sprawl but clearly adds to it.

Citizens have the right to rely upon orderly application of land use policy and decisions in the public interest. Following the recommendations of the Planning Commission, citizen groups, and citizen advisory councils, the Board of Supervisors has directed the planning department to prepare an amendment to the TDC program prohibiting the use of credits to subdivide land within 5 miles of a Village Reserve Line. Until the amendment process is completed the consistent, orderly and reasonable action is to deny individual projects within 5 miles of a Village Reserve Line which use TDCs.

Mandatory Findings of Significance

This project will have impacts that are individually limited, but cumulatively considerable. However, there is no identified mitigation for these cumulative impacts.

Use of TDCs will not mitigate the impacts of this project, because since 1996, according to planning department reports, the TDC program has multiplied 42 existing lots into 252 credits which have or will create new lots.

This is a precedent setting, growth inducing project and stands to serve as such for other parcels in the area to be divided to substandard size under the TDC program. This is cumulatively considerable in its impact to the surrounding area and probable future projects.

The Board of Supervisor's action to overturn the decision of the Subdivision Review Board allowed the creation of this after-the-fact ND proposal. We believe approval of this proposed ND would be an abuse of the CEQA process and inadequate environmental review.

We understand that public participation in the environmental review process is encouraged and that this appeal which is also called a request for review is an

important part of due process. We further expect that any hearings for this project would be postponed until the planning department can respond in writing to the undersigned appellants.

PasoWatch

Susan Harvey, President

P.O. Box 240, Creston, CA 93432

(805) 239-0542, ifsusan@tcsn.net

Citizens Concerned for Templeton's Future (CCTF)

Sue Luft, contact person

P.O. Box 447, Templeton, CA 93465

(805) 227-4785, asluff@direcway.com

Creston Citizens for Ag Land Preservation (CCALP)

Maria Lorca, contact person

P.O. Box 502, Creston, CA 93432

(805) 674-1863, mlorca@sbcglobal.net

Adelaida Area Association (AAA)

Elizabeth Rolph, contact person

7710 Adelaida Rd, Paso Robles, CA 93446

(805) 237-8985, elizabethrolph@yahoo.com

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE March 14, 2006		(3) CONTACT/PHONE Josh LeBombard, Current Planning (805) 781-1431	
(4) SUBJECT Hearing to consider an appeal by Raymond Cordoza of the Subdivision Review Board's denial of his request for Vesting Tentative Parcel Map CO 04-0352 using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development. The proposed project is within the Residential Rural land use category and is located at 7655 Feenstra Road, approximately 3.4 miles north of the community of Creston. The site is in the El Pomar/ Estrella planning area. Supervisorial District No. 1					
(5) SUMMARY OF REQUEST On December 5, 2005, the request by Raymond Cordoza for Vesting Tentative Parcel Map CO 04-0352 using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development was denied by the Subdivision Review Board. On December 16, 2005, the Planning Department received an appeal of this decision by Raymond Cordoza.					
(6) RECOMMENDED ACTION Adopt the resolution affirming the decision of the Subdivision Review Board and denying the application of Raymond Cordoza for Vesting Tentative Parcel Map CO 04-352 (SUB2004-00256) based on the findings in Exhibit A.					
(7) FUNDING SOURCE (S) Appeal Fee (\$604.00)		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel reviewed and approved the Resolution as to form and content					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent <input type="checkbox"/> Limited Term <input type="checkbox"/> Contract <input type="checkbox"/> Temporary Help					
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, 2nd, 3rd, 4th, 5th, All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 45 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW	<p style="font-size: 1.5em; margin: 0;">OK Leslie Brown</p> <div style="position: absolute; right: 0; top: 0; font-size: 2em; transform: rotate(-15deg);">CS 53</div>
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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: JOSH LEBOMBARD, CURRENT PLANNING

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING

DATE: FEBRUARY 28, 2006

SUBJECT: HEARING TO CONSIDER AN APPEAL BY RAYMOND CORDOZA OF THE SUBDIVISION REVIEW BOARD'S DENIAL OF HIS REQUEST FOR VESTING TENTATIVE PARCEL MAP CO 04-0352 USING THE TRANSFER OF DEVELOPMENT CREDITS PROGRAM TO SUBDIVIDE AN EXISTING 10 ACRE PARCEL INTO TWO PARCELS OF 5 ACRES EACH FOR THE PURPOSE OF SALE AND/OR DEVELOPMENT. THE PROPOSED PROJECT IS WITHIN THE RESIDENTIAL RURAL LAND USE CATEGORY AND IS LOCATED AT 7655 FEENSTRA ROAD, APPROXIMATELY 3.4 MILES NORTH OF THE COMMUNITY OF CRESTON. THE SITE IS IN THE EL POMAR/ ESTRELLA PLANNING AREA.
SUPERVISORIAL DISTRICT NO. 1

RECOMMENDATION

Adopt the resolution affirming the decision of the Subdivision Review Board and denying the application of Raymond Cordoza for Vesting Tentative Parcel Map CO 04-352 (SUB2004-00256) based on the findings in Exhibit A.

DISCUSSION

Background

On December 5, 2005, the request by Raymond Cordoza for Vesting Tentative Parcel Map CO 04-0352 using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development was denied by the Subdivision Review Board.

On December 16, 2005, the Planning Department received an appeal of this decision by Raymond Cordoza. The following discusses the issues raised in the appeal.

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APPEAL ISSUES

Issue 1

As indicated in the attached staff report, the proposed division results in a receiver site which complies with the eight enumerated criteria of Section 22.24.070.

Applicant's comments

Staff acknowledges the proposal's compliance with Section 22.24.070, yet recommends denial based upon its perception that the TDC program itself is inconsistent with General Goal 8 of the Framework for Planning.

The issue at hand is not the propriety of the entire TDC program and ordinance; rather, the issue is whether the proposal as submitted in May of 2005 complied with the law. Staff has answered this question in the affirmative.

Simple fairness leads to the conclusion that the applicant fully complies with the applicable law at the time of submission. Applying the current moratorium to this previously submitted application is not appropriate.

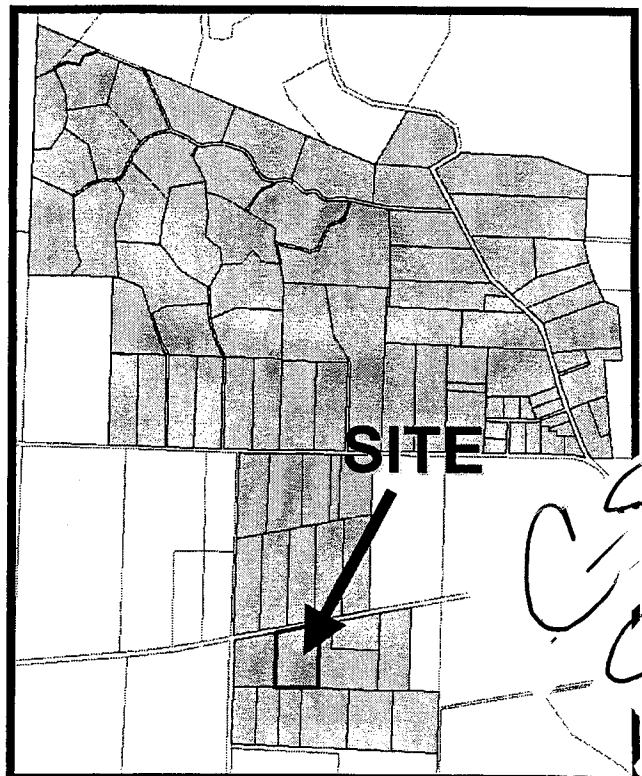
Staff Response

*As mentioned in the appeal, the property does comply with all of the criteria that make it **eligible** to be a TDC receiver site. However, this does not guarantee that the property will be approved as a TDC subdivision. **The application process for subdivisions, including TDC subdivisions, is a discretionary process.** The Planning Department bases its recommendations regarding TDC subdivisions on factors that are weighed after the property has been determined to be eligible as a TDC receiver site.*

This application, even though it meets all of the qualifying criteria, has not been supported by Planning Department because it is inconsistent with Framework for Planning General Goal 8, the surrounding pattern of development, and the intent of the TDC program.

Staff indicated in the report prepared for the Subdivision Review Board on December 5, 2005, that this project was not consistent with Framework for Planning Goal 8, "Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities," because it would increase the intensity of residential development in the area beyond the average use that currently exists. This finding was made for the request itself, not for the TDC Program in general.

In order to determine if the parcel sizes resulting from the proposed land division



would be consistent with the intensity of the surrounding area, staff analyzed the sizes of parcels surrounding the Cordoza property. The analysis concluded that the average parcel size for parcels found within the surrounding residentially-zoned property (including both the Residential Rural and the Residential Suburban Land Use Categories) is 8.68 acres. This means that the proposal to split the 10 acre parcel into two parcels of 5 acres in size would not be consistent with the surrounding area because the size of the resulting parcels would be less than 58 percent of the average surrounding parcel size.

Staff is concerned that a subdivision of this parcel into two parcels that are smaller than 58 percent of the average of the surrounding parcels, could create a precedent that could lead to a pattern of future subdivision of the larger parcels in the area.

Furthermore, this particular site is located in an antiquated subdivision (Associated Almond Growers Independence Tract 10c). Antiquated subdivisions are eligible as sending sites. Section 22.24.030.a.4 states:

The specific antiquated subdivision criteria are as follows:

- (1) Sites located 10 miles or more (as measured using the straight line method as defined in Article 8 Distance - measurement) from an urban or village reserve line where the individual lot is smaller than 20 acres in size.*
- (2) Sites located 5 to 10 miles or more (as measured using the straight line method as defined in Article 8 Distance - measurement) from a urban or village reserve line where the lot is smaller than 10 acres in size.*
- (3) Sites located within an antiquated subdivision according to the map on file with the Department.*

The subject parcel is located in antiquated subdivision number 43 as delineated in "A Study of Non-Conforming Subdivisions in Rural Areas (November, 1977)". A copy of the map and subdivision description is attached.

The LUO states "it is the policy of the county to designate sending sites that would retire the development potential within antiquated subdivisions located distant from existing urban and village areas". Staff believes that, since the proposed land division is located approximately 6.4 miles from the community of Paso Robles and approximately 5.48 miles from the Creston VRL (using the measurement of the shortest public road route between the reserve line and the site) the intent of the TDC Ordinance is to retire development at this site and others within this antiquated subdivision rather than facilitating additional development.

Issue 2

Applicant's comments

Staff concludes that "The average parcel size for parcels found within the surrounding residentially zoned property is 8.68 acres". However, as depicted in Map 3-6, this calculation is not based upon surrounding parcels as equally or radially measured from the site, but is based upon sites which are not adjacent or contiguous. Accordingly, this calculation must be disregarded as it is not a proper basis for analysis or rejection.

Staff Response

To determine the average parcel size for the area, staff considered the entire residential subdivision in its analysis. Staff felt that it was more appropriate to use the entire subdivision in

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its analysis instead of a simple equal or radial measurement. Since staff used the entire subdivision, the statement that the measurement was not equally or radially based is correct. However, to clarify this matter, staff has performed another analysis to determine parcel sizes of surrounding adjacent parcels. Table 1 shows that the average parcel size of the parcels abutting the Cordoza property is 8.55 acres. This means that the two proposed 5 acre parcels are still only approximately 58.5 percent of the average parcel size using an equal measurement from the Cordoza parcel.

Table 1. Average Parcel Sizes of Abutting Parcels

APN	ACTUAL ACREAGE
035-231-018	10
035-231-013	10
035-231-017	10
035-241-012	10
035-241-014	8.41
035-241-021	5
035-241-020	5
035-241-017	10
Average Acreage	8.551
Percent of this proposal to average parcels within 500'	58.47%

Issue 3

Applicant's comments

Finding D states: "The community of Creston does not have ample services to accommodate density beyond what is allowed through standard subdivision at this time". No factual basis for this dramatic conclusion is provided whatsoever.

Staff Response

The El Pomar/Estrella Area Plan states "The lack of a community water system hinders development of all the existing small lots because individual septic and water systems would conflict with requirements of the Public Health Code which require a safe distance between them. Development at full single-family density is therefore precluded until community water supply and sewer systems exist". Staff believes that the community of Creston cannot accommodate increased density until community water and sewer is in place.

Furthermore, this subdivision conflicts with the El Pomar/Estrella Area Plan Policy, "Discourage new land divisions and rezoning that would intensify residential development at or adjacent to land in the Agriculture category (except to house farm workers)" that is found within the Area Plan. This property lies less than 600 feet west of an agricultural operation. Further subdivision of this property could lead to increased agricultural conflicts due to increased residential use.



STAFF COMMENTS

Staff recommended this proposal for denial at the Subdivision Review Board (SRB) and the SRB ultimately also decided to not support the tentative parcel map. Although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the "intent" of the TDC Ordinance, as the intent is to locate development within close proximity of communities that have available infrastructure to support development and to send development to more suitable areas. The community of Creston does not have available infrastructure and services to support additional density in the area and the site is not more suitable as it would create parcels of a size that are inconsistent with the surrounding area and the site would qualify as a sending site under the provisions of the ordinance.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel reviewed and approved the Resolution as to form and content.

FINANCIAL CONSIDERATIONS

The appeal was processed using the appeal fee paid by the appellant

RESULTS

Denial of the appeal for Vesting Tentative Parcel Map CO 04-0352 would mean the application for subdivision using the TDC program would be denied.

Approval of the appeal for Vesting Tentative Parcel Map CO 04-0352 would require staff to conduct an environmental review of the proposed project to determine impacts to applicable resources. Results of the initial study of environmental impacts will determine the level of environmental review appropriate (eg. Negative Declaration, Mitigated Negative Declaration or EIR). After the environmental review is completed the project can then be returned to your board for final action.

ATTACHMENTS

1. Resolution upholding the Subdivision Review Board decision
2. Appeal form
3. Letter from applicant addressing appeal issues
4. Staff report, with correspondence from the December 5, 2005 Subdivision Review Board hearing

Handwritten initials or signature, possibly "CS" or "SA", in the bottom right corner of the page.

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION AFFIRMING THE DECISION OF THE
SUBDIVISION REVIEW BOARD AND DISAPPROVING
THE APPLICATION OF RAYMOND CORDOZA
FOR A VESTING TENTATIVE PARCEL MAP FOR PARCEL MAP CO 04-0352**

The following resolution is now offered and read:

WHEREAS, on December 5, 2005, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the "Subdivision Review Board ") duly considered and disapproved the application of Raymond Cordoza for a vesting tentative parcel map for Parcel Map CO 04-0352; and

WHEREAS, Raymond Cordoza has appealed the Subdivision Review Board's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on March 14, 2005, and a determination and decision was made on March 14, 2005; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Subdivision Review Board should be affirmed and that the application should be disapproved based upon the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

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3. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of the Public Resources Code section 21080(b)(5) which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

4. That the appeal filed by Raymond Cordoza is hereby denied and the decision of the Subdivision Review Board is affirmed that the application of Raymond Cordoza for a vesting tentative parcel map for Parcel Map CO 04-0352 is hereby disapproved based upon the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

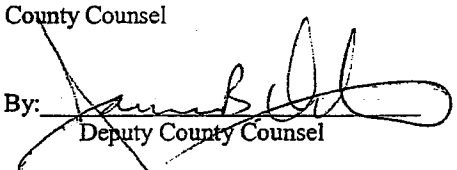
ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: February 28, 2006

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STATE OF CALIFORNIA,)
)
County of San Luis Obispo) ss

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2006.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

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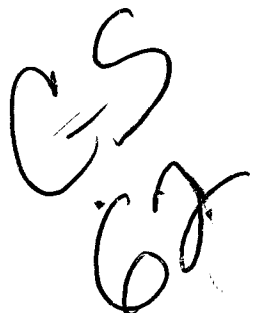
FINDINGS - EXHIBIT A

Environmental Determination

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Tentative Map

- B. The proposed map is inconsistent with applicable county general and specific plans; it does not comply with General Goal 8 of Framework for Planning because the proposed division would increase the intensity of residential use beyond the average use that currently exists.
- C. The proposed parcels are smaller than the majority of surrounding parcels in the vicinity, making the proposed parcels inconsistent with the pattern of development of the area.
- D. The proposed map is not consistent with the county zoning and subdivision ordinances because although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the "intent" of Chapter 22.24 (TDC Ordinance) as the intent is to locate development within close proximity of communities that have available infrastructure to support development. The community of Creston does not have ample services to accommodate density beyond what is allowed through standard subdivision at this time.

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Inland Appeal Application

San Luis Obispo County Department of Planning and Building

PROJECT INFORMATION

Josh Lebonard, Planner #619

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☐ Development Plan ☐ Variance
☒ Land Division ☐ Lot Line Adjustment ☐ Sending Site Determination ☐ Other _____

File Number: CO104-352 SUB 2004-00256

The decision was made by:

- ☐ Planning Director ☐ Building Official ☐ TDC Review Committee ☐ Administrative Hearing Officer
☒ Subdivision Review Board ☐ Planning Commission ☐ Other _____

Date the application was acted on December 5, 2005

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (*attach additional sheets if necessary*). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

As admitted in the Staff Report, the applicant's proposal does comply with Land Use Ordinance Section 22.24.070, and its criteria, as applicable at the time of the proposal's submission. (See Attachment "A.")

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are

Condition Number	Reason for appeal (<i>attach additional sheets if necessary</i>)
B, C, D	(See Attachment "A")

APPELLANT INFORMATION

Print name: Raymond Cordoza

Address: 1190 Ladera Ln, Paso Robles, CA 93465 Phone Number (daytime): (805) 434-18

We have completed this form accurately and declare all statements made here are true.

Adam M. Daner
Signature

12-16-05
Date

Daner Law Firm, Adam M. Daner for Appellant

OFFICE USE ONLY

Date Received: 12-16-05

Amount Paid: \$604.00

By: MLV

Receipt No. (if applicable): _____

2005 DEC 16 PM 2:46
PLANNING/BUILDING
REVISED 7/31/01/ep

ATTACHMENT "A"

1. Approval is Consistent with the Transfer of Development Credit Program

The Applicant requests a subdivision of his 10 Acre parcel, resulting in two parcels of 5 acres each based on the County's Transfer of Development Credit Program (TDC). Applicants's submission was received on **May 10, 2005**.

As indicated in the attached staff report, the proposed division results in a Receiver Site which complies with the Eight enumerated criteria of Section 22.24.070 (See, p. 3-2 & 3-3 of Staff Report.)

Staff acknowledges the proposal's compliance with Section §22.24.070, yet recommends denial based upon its perception that the TDC Program itself is inconsistent with General Goal 8 of the Framework for Planning.

The issue at hand is not the propriety of the entire TDC program and ordinance; rather, the issue is whether the proposal as submitted in May of 2005 complied with the law. Staff has answered this question in the affirmative.

Simple fairness leads to the conclusion that the application fully complies with the applicable law at the time of submission. Applying the current moratorium to this previously submitted application is not appropriate.

2. The Basis for Finding "C" Is Improper

Staff concludes that "The average parcel size for parcels found within the surrounding residentially zoned property is 8.68 acres." However, as depicted in Map 3-6, this calculation is not based upon surrounding parcels as equally or radially measured from the site, but is based upon sites which are not adjacent or contiguous. Accordingly, this conclusion must be disregarded as it is not a proper basis for analysis or rejection.

3. Staff Finding "D" is Void of Factual Support

Finding D states: "The community of Creston does not have ample services to accommodate density beyond what is allowed through standard subdivision at this time." No factual basis for this dramatic conclusion is provided whatsoever.

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3-1



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

Promoting the wise use of land
Helping build great communities

MEETING DATE December 5, 2005		CONTACT/PHONE Josh LeBombard (805) 781-1431		APPLICANT Raymond Cordoza		FILE NO. CO 04-352 SUB2004-00256	
SUBJECT Request by Raymond Cordoza for a Vesting Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development. The proposed project is within the Residential Rural land use category and is located at 7655 Feenstra Road, approximately 3.4 miles north of the community of Creston. The site is in the El Pomar/ Estrella planning area.							
RECOMMENDED ACTION Deny Tentative Parcel Map CO 04-0352 based on the findings listed in Exhibit A.							
ENVIRONMENTAL DETERMINATION This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.							
LAND USE CATEGORY Residential Rural		COMBINING DESIGNATION None		ASSESSOR PARCEL NUMBER 035-241-013		SUPERVISOR DISTRICT(S) 1	
PLANNING AREA STANDARDS: None applicable to this project							
LAND USE ORDINANCE STANDARDS: L.U.O. section 22.24, Transfer of Development Credits							
EXISTING USES: Single-family residence							
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural/Single-family residences <i>South:</i> Residential Rural & Agriculture/ Single-family residences & Agricultural production				<i>North:</i> Residential Rural/Single-family residences <i>West:</i> Residential Rural & Agriculture/ Single-family residences & Agricultural production			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, CDF, California Department of Transportation, Parks Division, Air Pollution Control District							
TOPOGRAPHY: Level to gently sloping				VEGETATION: Grasses			
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF				ACCEPTANCE DATE: May 10, 2005			

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ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242

ORDINANCE COMPLIANCE:

Minimum Parcel Size

The property is zoned Residential Rural. Section 22.22.060 of the Land Use Ordinance defines the minimum parcel size for new lots in the Residential Rural category based upon site features including: Remoteness, fire hazard, fire response time, access and slope.

The Remoteness test indicates that the minimum parcel size shall be based upon the distance of the parcel proposed for division from the nearest urban or village reserve line, measured on the shortest public road route between the reserve line and the site. The distances are shown in the table below:

Distance (Road Miles)		Minimum Parcel Size
From Urban Reserve Line	From Village Reserve Line	
10+	5+	20 acres
5-10	0-5	10 acres
0-5	N.A.	5 acres

(LUO; 22.22.060.A)

DISCUSSION:

The subject parcel is located approximately 6.4 miles from the community of Paso Robles. Based on the remoteness test, the subject parcel does not qualify for a standard division because the minimum parcel size is 10 acres. Thus, the applicant is requesting a subdivision of the 10 acre parcel which would result in two parcels of 5 acres each based on the provisions of the county Transfer of Development Credit Program (TDC).

TDC Receiver Site

Land Use Ordinance Section 22.24.070 provides for division of sites which do not otherwise qualify for division through use of the Transfer Development Credit (TDC) program. This program allows density to be transferred from an already established "sending site" to a "receiver site". The Transfer Development Credit (TDC) program provides for the creation of one additional parcel on properties which cannot otherwise qualify for a subdivision, including, properties within the Agriculture land use category, if the property meets all the other criteria to be designated a receiver site.

To qualify as a receiver site under Section 22.24.070 of the Land Use Ordinance, the site must meet the following criteria:

1. An Exemption (Categorical or General Rule), a Negative Declaration or a Final Environmental Impact Report, that does not identify significant, unavoidable adverse environmental effects, or exacerbation of such effects, relating to the additional density that would be allocated to the site, has been prepared or will be necessary as part of environmental determination for the proposed project.
2. The site is not within an Agricultural Preserve.

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3. The site is within 5 miles of an urban or village reserve line except for the California Valley village reserve line.
4. The footprint of the area proposed for development (including new access roads and driveways) is less than 30 percent slope.
5. The footprint of the area proposed for development is outside of the Sensitive Resource Area (SRA), Flood Hazard (FH), Geologic Study Area (GSA), Earthquake Fault Zone, or Very High Fire Hazard Area as defined by the Land Use Element.
6. The footprint of the area proposed for development is outside of a Natural Area or Significant Biological Geographical or Riparian Habitat as defined by the Natural Areas Plan, the Land Use Element, or a subsequent revision or update of any element of the general plan.
7. The development will comply with: all development standards, water, sewage disposal and access standards, and land division standards as contained in Titles 19, 21, 22 and 23 of the county code.
8. The site was not an approved sending site, and also has a valid conservation easement recorded against the sending site.

Framework for Planning, General Goal 8 states that land uses should "Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominantly agriculture, low intensity recreation, residential and open space uses which will preserve and enhance the pattern of identifiable communities."

DISCUSSION:

The property is located in the Residential Rural Land Use Category. The property is located greater than 5 miles from any Urban Reserve Line (URL) but is within the required 5-mile distance from a Village Reserve Line (VRL). The site is approximately 3.4 miles north of the Creston VRL. The distinction should be made that currently when measuring distance in regards to TDC eligibility, the straight-line method is used. This means that this property is located 3.4 miles (as the crow flies) from the Creston VRL. As shown in the Exhibit "*Distance of APN 035-241-013 from Creston VRL*", the property is approximately 5.48 miles from the Creston VRL using the measurement of the shortest public road route between the reserve line and the site.

The area generally consists of larger parcels with smaller parcels to the east in an area zoned Residential Suburban. The chart below outlines the parcel sizes of the parcels found within both the surrounding Residential Rural and Residential Suburban Land Use Categories. Exhibit *Parcels within Residentially Zoned Areas Near APN 035-241-013* depicts the physical layout of these parcels.

The average parcel size for parcels found within the surrounding residentially zoned property (including both the Residential Rural and the Residential Suburban Land Use Categories) is 8.68 acres. The proposal to split the 10 acre parcel into two parcels of 5 acres in size would not be consistent with the surrounding area because the size of the resulting parcels would be less than 58% of the average parcel size

Staff is concerned that a subdivision of this parcel into two parcels that are smaller than 58% of the average of the surrounding parcels, could create a precedent that could lead to a pattern of future subdivision of the larger parcels in the area. In addition, this proposal is inconsistent with Framework for Planning, General Goal 8, because the proposed division would increase the intensity of residential use beyond the average use that currently exists.

As mentioned above, the proposed subdivision is inconsistent with the intent of the TDC ordinance and staff is unable to make the findings for approval for this project

Handwritten initials "CS" and "67" are visible in the right margin.

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Sizes of Surrounding Parcels

APN	ACRES	APN	ACRES	APN	ACRES	APN	ACRES	APN	ACRES
035-161-015	4.535	035-161-004	14.122	035-201-004	1.830	035-351-011	1.128	035-231-021	7.211
035-161-017	1.428	035-161-010	15.259	035-201-002	10.658	035-191-027	1.313	035-231-020	2.345
035-161-017	8.986	035-081-024	19.541	035-181-010	9.752	035-351-009	8.650	035-231-012	7.491
035-161-019	10.309	035-171-011	12.636	035-181-016	11.585	035-211-003	2.121	035-231-011	9.692
035-161-014	12.341	035-171-020	23.385	035-201-016	10.105	035-191-039	1.012	035-231-018	9.591
035-161-016	7.794	035-171-010	9.545	035-351-005	12.940	035-191-038	1.311	035-231-013	9.817
035-161-018	12.103	035-201-014	9.023	035-351-006	12.676	035-191-037	1.421	035-231-017	9.698
035-171-014	13.004	035-201-010	5.924	035-351-012	5.241	035-191-030	1.308	035-231-014	9.303
035-171-018	11.318	035-181-019	14.122	035-211-002	7.193	035-211-004	4.346	035-241-024	9.295
035-161-013	10.117	035-201-012	11.539	035-351-008	11.071	035-191-031	0.957	035-241-025	5.510
035-161-022	10.715	035-181-018	12.763	035-211-007	2.014	035-191-032	0.886	035-241-012	9.768
035-171-007	13.450	035-201-013	6.312	035-181-003	9.634	035-191-029	1.853	035-241-013	9.596
035-171-015	11.021	035-181-020	10.707	035-181-014	9.219	035-191-036	1.379	035-241-014	7.748
035-081-025	19.494	035-201-015	5.508	035-181-009	9.408	035-191-028	1.806	035-241-015	5.076
035-161-020	11.068	035-201-011	10.426	035-181-006	8.973	035-191-025	2.040	035-241-021	5.020
035-171-019	10.033	035-351-001	14.771	035-181-012	9.630	035-191-005	1.091	035-241-020	4.909
035-161-006	14.907	035-351-002	25.168	035-181-017	9.536	035-191-035	1.183	035-241-017	10.151
035-171-013	14.654	035-201-017	10.330	035-351-003	11.452	035-231-015	9.426	035-241-018	10.045
				035-351-004	10.004	035-231-019	9.765	035-241-019	10.431

COMMUNITY ADVISORY GROUP COMMENTS: None applicable

AGENCY REVIEW:

Public Works – Recommended approval

Environmental Health – Indicated that the applicant shall provide evidence of on-site water and shall adhere to conditions in regards to well and septic systems.

Ag Commissioner – None received

County Parks – Indicated that quimby fees are required

CDF – Fire safety letter received March 18, 2005

APCD – Construction measures necessary to minimize air quality impacts

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

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FINDINGS - EXHIBIT A

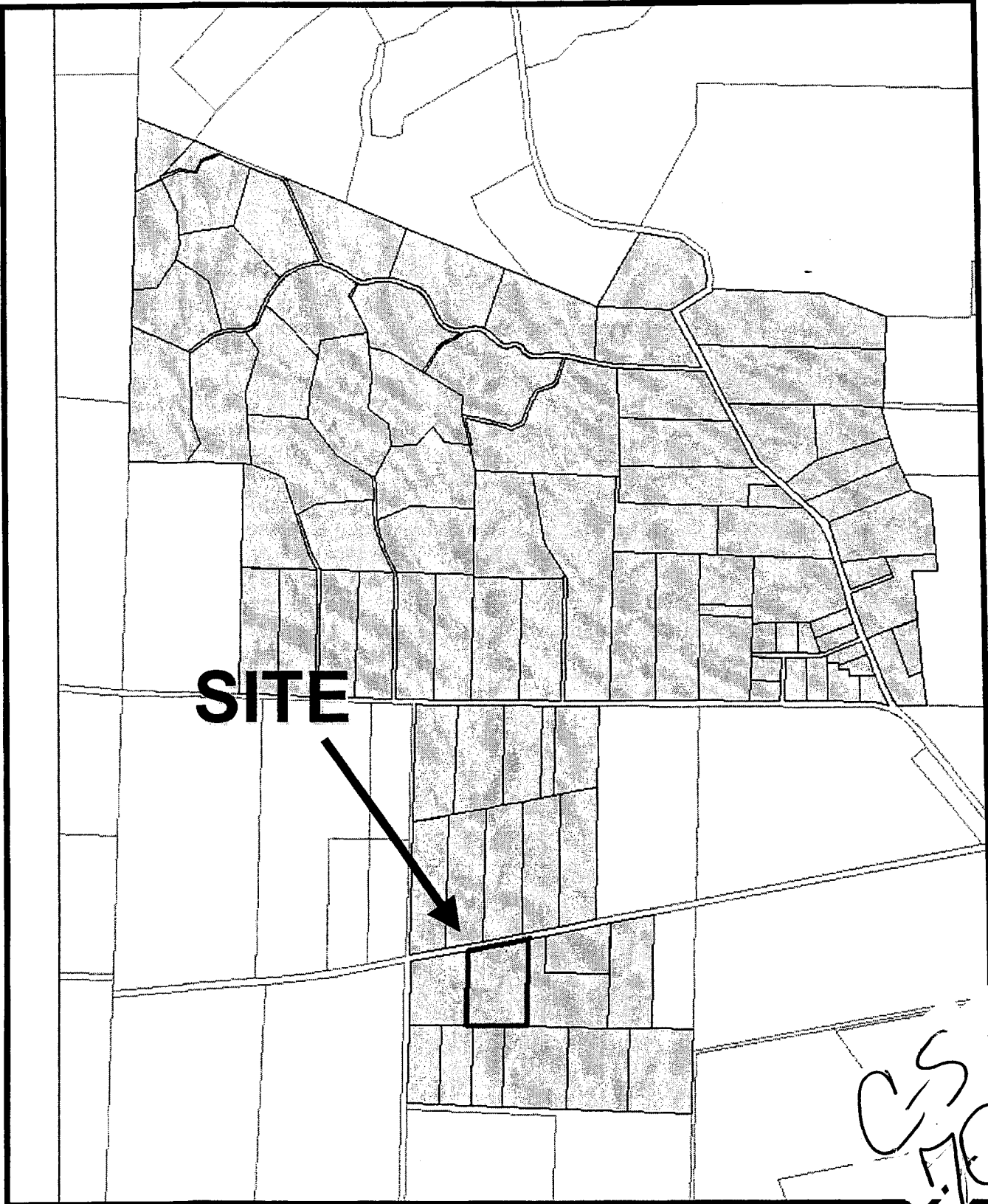
Environmental Determination

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Tentative Map

- B. The proposed map is inconsistent with applicable county general and specific plans; it does not comply with General Goal 8 of Framework for Planning because the proposed division would increase the intensity of residential use beyond the average use that currently exists.
- C. The proposed parcels are smaller than the majority of surrounding agricultural parcels in the vicinity, making the proposed parcels inconsistent with the pattern of development of the area.
- D. The proposed map is not consistent with the county zoning and subdivision ordinances because although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the "intent" of Chapter 22.24 (TDC Ordinance) as the intent is to locate development within close proximity of communities that have available infrastructure to support development. The community of Creston does not have ample services to accommodate density beyond what is allowed through standard subdivision at this time.

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SITE



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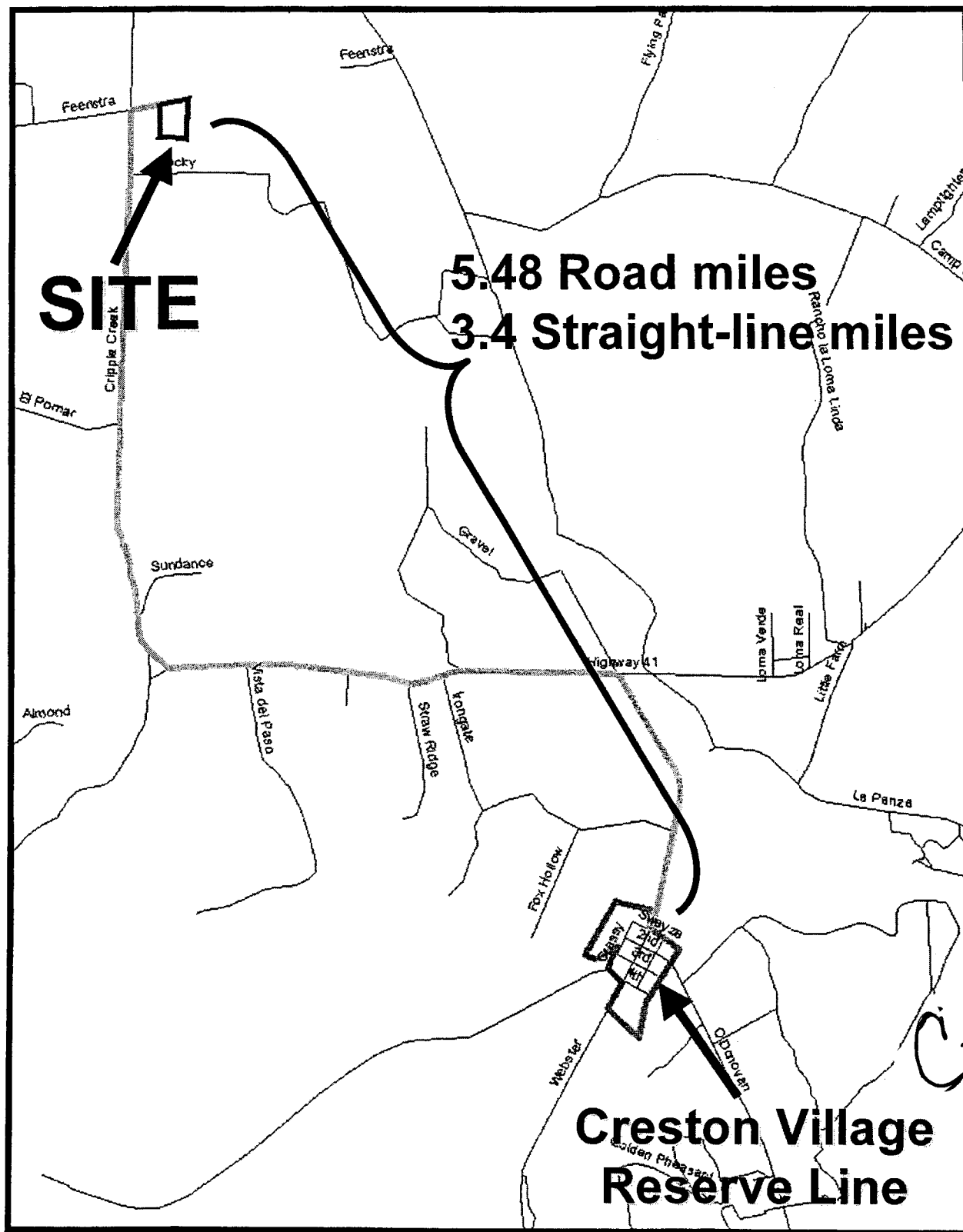
PROJECT

SUB2004-00256
Cordoza



EXHIBIT

Parcels within Residentially Zoned
Areas Near APN 035-241-013



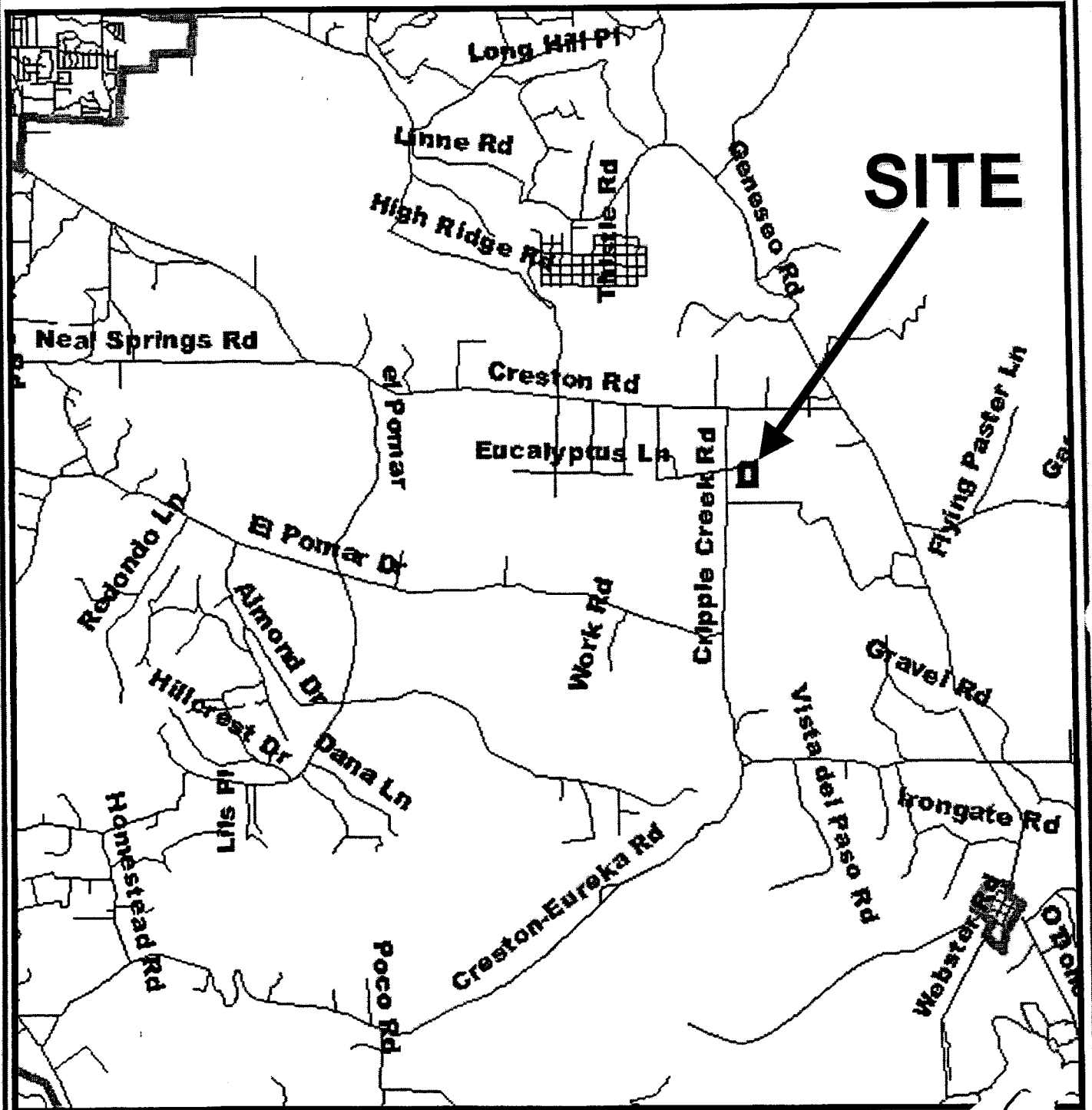
PROJECT

SUB2004-00256
Cordoza



EXHIBIT

Distance of APN 035-241-013
from Creston VRL



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PROJECT

SUB2004-00256
Cordoza



EXHIBIT

Vicinity Map

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PROJECT

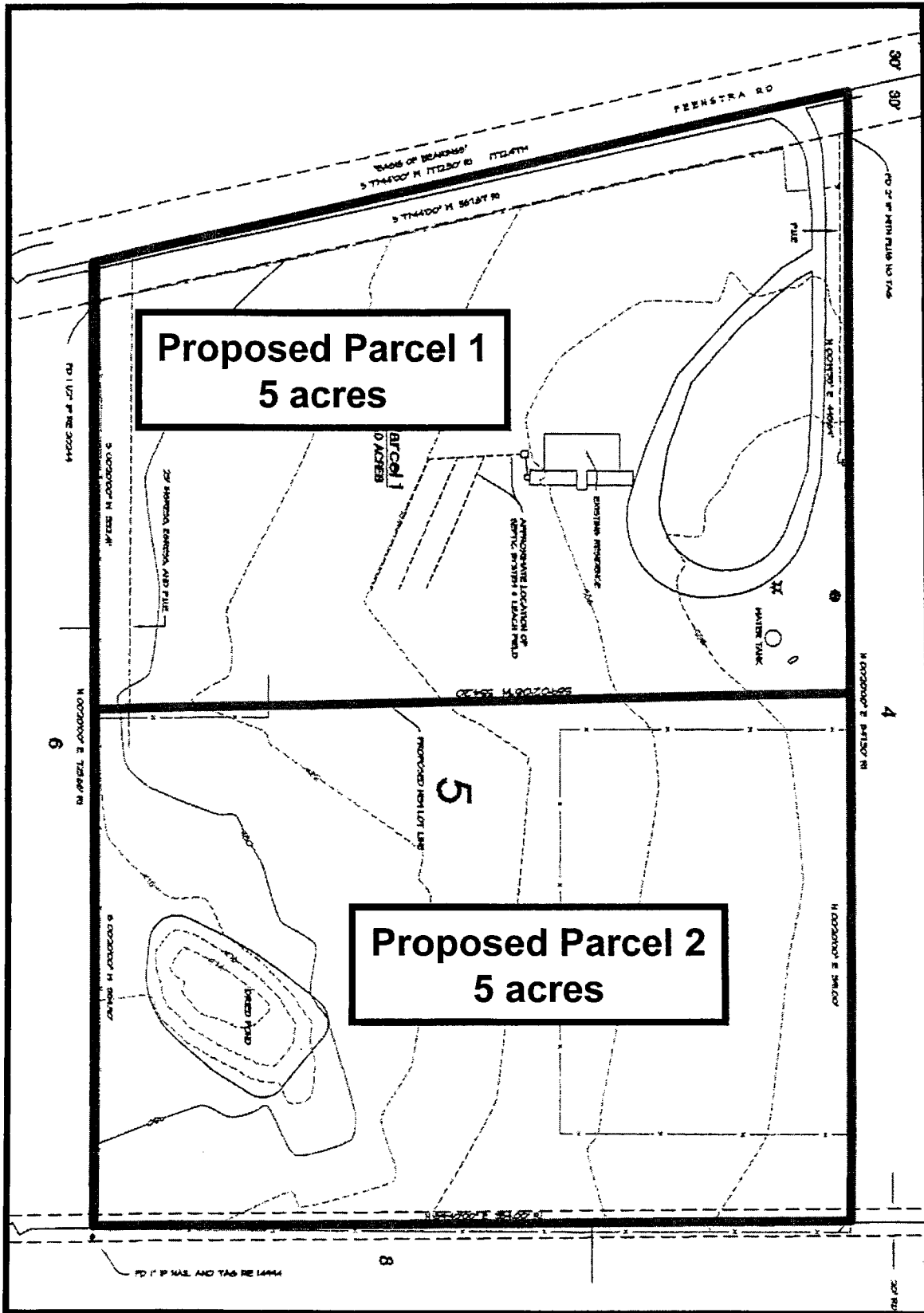
SUB2004-00256
Cordoza



EXHIBIT

Land Use Category Map

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PROJECT

SUB2004-00256
Cordoza



EXHIBIT

Site Plan

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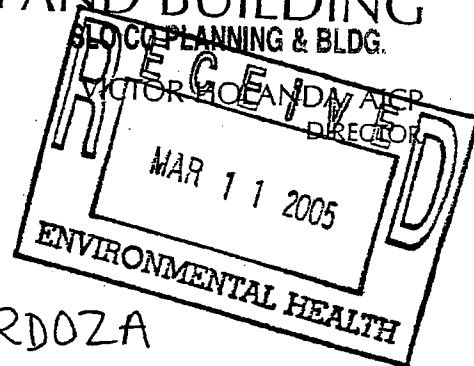


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RECEIVED
MAR 8 2005

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING



THIS IS A NEW PROJECT REFERRAL

DATE: 2/23/05
TO: Env. Health
FROM: North Co. Team
(Please direct response to the above)

CORDOZA
SUB 2004-00256
Project Name and Number

Development Review Section (Phone: 781-788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNING

PROJECT DESCRIPTION: Parcel Map -> Split 10 acre parcel into (2) 5 acre parcels. CO 04-0352, APN -> 035-241-013. Located on Fenstra Ave., near the Genesee intersection.

Return this letter with your comments attached no later than: 3/10/05, thank you.

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
 _____ YES (Please go on to Part II)
 _____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
 _____ NO (Please go on to Part III)
 _____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Please provide stock conditions for individual wells and septic systems. Applicant will need to develop water for both parcels and test production & Quality prior to recordation of this map.

1/29/05

Danni Salo
Name

781-5537
Phone

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AIC
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

2/23/05

FROM

PW

FROM

North Co. Team

(Please direct response to the above)

CORDOZA

SUB 2004-00256

Project Name and Number

Development Review Section (Phone: 781-788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNING

PROJECT DESCRIPTION:

Parcel Map -> Split 10 acre parcel into
(2) 5 acre parcels. CO 04-0352, APN -> 035-241-013.
Located on Fenster Ave., near the Genesee intersection.

Return this letter with your comments attached no later than:

3/10/05, thank you.

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - STAFFS ATTACHED

09 MARCH 2005
Date

Goodwin
Name

5252
Phone

JX -

3-13



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

March 17, 2005

North County Team
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

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MAR 18 2005

SLO CO PLANNING

Subject: Parcel Map Project # SUB2004-00256 (Cordoza)

Dear North County Team,

I have reviewed the referral for the parcel map plans for the proposed two parcel subdivision project located at 7655 Feenstra Road, Creston, CA. This project is located approximately ten minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 14 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.

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- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

☐ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☒ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,

Chad T. Zrelak
Fire Captain Inspector

cc: Cordoza
Vaughan Surveys

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**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

3-15

DATE: March 7, 2005

TO: North County Team
San Luis Obispo County Department of Planning and Building

FROM: Jan Downs Vidalin, Air Quality Specialist *gsv*
San Luis Obispo County Air Pollution Control District

SUBJECT: Cordoza Parcel Map, Hwy 229 and Feenstra Rd., Paso Robles (SUB2004-00256)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at Highway 229 and Feenstra Road outside of Paso Robles. The project involves a Parcel Map for the subdivision of 10 acres into two parcels of five acres each. Existing structures on the property include a residence and horse corrals. The property lies outside of the urban reserve line (URL) and is zoned residential rural (RR). The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS:

This project, like so many others, falls below our emissions significance thresholds and is, therefore, unlikely to trigger a finding of significant air quality impacts requiring mitigation. However, we are very concerned with the cumulative effects resulting from the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers. Such development fosters continued dependency on private auto use as the only viable means of access to essential services and other destinations. This is inconsistent with the land use planning strategies recommended in the Clean Air Plan (CAP), which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines. The CAP recommends that areas outside the urban/village reserve lines be retained as open space, agriculture and very low-density residential development.

The District understands that under the County's Land Use Ordinance, parcels within the Residential Rural category, can be subdivided to a minimum lot size of five acres unless there is a Planning Area Standard restriction as is the case for this project. We also recognize that there are significant human-interest issues that are difficult to overcome, such as the desire of some applicants to settle estate matters through property splits. However, we believe it is important to emphasize to decision makers that subdivision and future development on these, and similar rural parcels throughout the county allows a pattern of development to continue that is ultimately unsustainable. Such development cumulatively contributes to existing stresses on air quality, circulation and other natural and physical resources and infrastructure that cannot be easily mitigated. We do not support this type of development.

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Should this project continue to move forward against our recommendation, we would like to be included in the review of future development proposals for the property. As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE EMISSIONS:

Dust Control Measures

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Demolition Activities

The project referral did not indicate whether the existing structures on the proposed site will be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

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3-17

Cordoza Parcel Map
Page 3 of 3
March 7, 2005

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AAG /JDV/sll

cc: Karen Brooks, APCD Enforcement Division
Tim Fuhs, APCD Enforcement Division
Applicant, Raymond Cordoza

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Number 43

ame Associated Almond Growers Independence Tracts 10A, 10B and 10C

General Description, Services & Infrastructure

ated in 1921, consisting of 28 lots, 10-acres each. Phone and electrical service is available. The tract is located within the Paso Robles Joint Union High School and Paso Robles Joint Union Elementary School Districts.

Location & Access

located approximately 9 miles east of Templeton and 9 miles southeast of Paso Robles. External access is via Creston Road, a select-arterial and Cripple Creek Road, a paved select-collector.

Ownership

Ownership information obtained from Real Estate Atlas of San Luis Obispo County Seventh Edition, 1975. The possibility that property within subdivisions is owned by owners of surrounding property was not explored. Ownership of more than one parcel within a subdivision does not imply the parcels are always contiguous.

essor's Book No. 35-081, 221, 231, 241

35-221-08 - Paso Robles

35-231-09 - Paso Robles

35-241-02 - Santa Ana

35-241-09 - Paso Robles

Zoning & General Plans

act A (west of Cripple Creek Road) is zoned A-3-80-P, Tract B and C, zoned

Open Space Plan - dry farm and grain.

Land Uses & Capability

irrigated hay west of Cripple Creek Road, unused and dry farm east, with several mobilehomes established. The tracts are fairly flat primarily with Class I and II (primeland) soils with some portions with Class III and IV soils.

Adjacent Land Uses

dry farm. Irrigated pasture and hay, orchards, some unused wooded areas.

Staff Comments

Cultural use should be encouraged. Aggregation should be considered for areas now covered by Agriculture Preserve Zoning. Outside of Ag. Preserves aggregation of all contiguous lots, under single ownership, into single parcels should be considered. Issuance of building permits should be made conditional on establishing adequate improvements.

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NUMBER 43

NAME

Associated Almond Growers
Independence Tracts 10A, 10B & 10C

